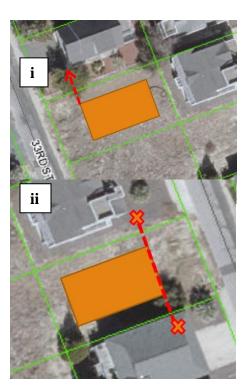
Public Hearing – January 9, 2017 at 7:00 pm

Proposed UDO Amendment

An Ordinance to Repeal and Replace Article 2 General Regulations Section 2.18 Filling, Grading, and Excavation

- (A) No *lot*, parcel or tract of land may be disturbed by grading, filling, excavation, and removal of trees or removal of stumps without a Town Fill and Grade permit. Permits for Fill and Grade shall be accompanied by a scaled grading plan depicting elevation change prepared by a licensed surveyor, landscape architect, or professional engineer. For single-family residential and duplex dwelling uses, when fill is not proposed in excess of 4 inches, a scaled grading plan is not required.
- (B) Exceptions to this section:
 - a. Fill that is necessary to meet any County or State requirements for a Health or Storm Water permit. In which case, fill shall only be allowed to the minimum extent necessary to obtain a permit.
- (C) Establishment of *Finished Ground Level*:
 - a. For *lot*s on the island:
 - For *lot*s where only one adjacent side *lot* is developed, the *finished* ground level shall be no greater than the *finished* ground level of the adjacent, developed lot.
 - ii. For lots where both adjacent side lots (front and rear for corner lots) are developed, the finished ground level of any lot shall be determined by measuring the average elevation of two points along the proposed building footprint that extends 10 feet past each adjacent lot line. The finished ground level shall be no greater than this measurement.



- iii. For *lot*s where both adjacent side *lot*s (front and rear for corner lots) are not developed, the *finished ground level* shall be no greater than one foot above the crown of the road.
 - iii
- iv. For *lot*s whose average grade is above the adjacent road, the established *finished ground level* shall be determined by measuring the average elevation of the ground. The average elevation shall be measured in accordance with Section 2.18 (A)(a)(ii).
- v. Sand will not be taken from the island nor shall it be removed from the CAMA Area of Environmental Concern (AEC) from which it originated.
- vi. In no instance shall the construction of a **street** result in a change in elevation at any point along said **street** that exceeds one foot above the existing grade at the time of applying for a Town issued permit for Fill and Grade.



- b. For *lot*s on the mainland:

 When grading or filling of a lot is proposed, the *finished ground level* of any *lot* shall be measured in accordance with Section 2.18 (A)(a)(ii).
- c. In instances whereby the *finished ground level* cannot be obtained as specified herein due to natural topography, existing development adjacent to the *lot*, or other factors relative to site conditions, the *Planning Board* shall determine the *finished ground level* upon review and approval of a proposed grading plan.

- (D) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one-foot vertical rise) and shall be stabilized to prevent erosion. Alternatively, construction of a retaining wall, bulkhead, or other engineered containment device to prevent fill and surface water from running onto adjacent *lot*s may be permitted.
- (E) The builder and/or owner shall be responsible for grading the *lot* in such a manner as to absorb surface runoff and/or provide a stormwater catchment system for runoff.
- (F) A silt fence must be erected around that portion of a *lot* being disturbed that causes erosion onto adjacent property, waterbodies, and/or street right of ways. Exception: Only the portion of the *lot* adjoining golf course greens or fairways or a portion of a *lot* for construction access is exempt.
- (G) In the event that a storm or other natural hazard results in the removal of sand from a lot, then the affected party may apply for a Town Fill and Grade permit to modify the finished ground level in accordance with this ordinance. Where the affected party has a previously approved Town Fill and Grade permit with identified Finished Ground Level and spot elevations, then the property owner may apply for a Town Fill and Grade permit to fill and grade the property in accordance with the previously approved permit.
- (H) This section does not alleviate any property owner from adhering to nor from obtaining required permits from any County, State or Federal authority.